



# **City Council Meeting Minutes**

**Tuesday, September 26, 2023**

**1:30 PM**

**Hybrid Meeting - Council Chambers and Virtually -  
<https://sanjoseca.zoom.us/j/88471470054>**

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
DOMINGO CANDELAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
ARJUN BATRA, DISTRICT 10



- **Call to Order and Roll Call**

**9:30 a.m.- Closed Session, 23-1304:** *See Pages 15-16 for Closed Session Minutes.*

Present Councilmembers: Mahan, Kamei, Torres, Cohen, Ortiz, Davis, Candelas, Foley, Batra. (Council Chambers, Conference Room, W133.)

Absent Councilmembers: Jimenez, Doan.

**1:35 p.m.- Regular Session:**

Present Councilmembers: Mahan, Kamei, Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley, Batra. (City Hall, Council Chambers.)

Absent Councilmembers: All present.

**6:00 p.m.- Evening Session:** Cancelled.

- **Pledge of Allegiance**

Mayor Matt Mahan led the Pledge of Allegiance.

- **Invocation (District 8)**

Councilmember Domingo Candelas introduced, Bhai Manmohan Singh Ji from the Sikh Gurdwara of San José.

- **Orders of the Day**

None provided.

- **Closed Session Report**

None provided.

## **1. CEREMONIAL ITEMS**

- 1.1 Councilmember Pam Foley presented the proclamation declaring September 2023 as Suicide Prevention Awareness Month to raise visibility for San José residents about suicide prevention and warning signs of suicide. The proclamation was presented to State Assemblymember Gail Pellerin.

- 1.2 Councilmember Dev Davis and Mayor Matt Mahan presented the proclamation recognizing September 2023 as Gynecological Cancer Awareness Month in the City of San José to bring awareness to the different signs, symptoms, and risk factors of all forms of gynecological cancers and the resources available for patients and their families. The proclamation was presented to former City employee, staff member for former Councilmember Raul Peralez, District 3 Neighborhoods and Redistricting Advisory Commissioner Dee Barragan. Shay B. from the Ovarian Cancer Research Alliance and Sarah Hawkins from the Teal Foundation spoke on behalf of the proclamation.

## **2. CONSENT CALENDAR**

Public Comment; Paul Soto and Musa Tariq (CAIR-SFBA) offered public testimony regarding the Consent Calendar.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Consent Calendar was approved *as a whole, excluding Item 2.15*. Item 2.15 was pulled for comment and was voted on separately; the below listed actions were taken as indicated. (11-0-0)

### **2.1 Approval of City Council Minutes.**

None provided.

### **2.2 23-1295 Final Adoption of Ordinances.**

(a) Ordinance No. 30950 - An Ordinance of the City of San José Amending Various Sections of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code to Modify Provisions of the 2022 California Building Energy Efficiency Standards to Serve as a Reach Code to Increase Building Efficiency, and Mandate Electric- and Solar-Readiness.

[Passed for Publication on 9/12/2023 - Item 6.2(b) (23-1187)]

(b) Ordinance No. 30951- An Ordinance of the City of San José Amending Part 48 of Chapter 2.08 of Title 2 of the San José Municipal Code to Add Section 2.08.4835, and to Amend Sections 2.08.4840 and 2.08.4850, and to Make Other Conforming Changes.

[Passed for Publication on 9/12/2023 - Item 7.1 (23-1188)]

(c) Ordinance No. 30952 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.43 Gross Acre, Situated on the Westerly Side of North Fifth Street, Approximately 45 Feet South of Jackson Street (575, 591 and 593 North Fifth Street) (APNS: 249-40-002, 249-40-003 and 249-40-004) from the A(PD) Planned Development Zoning District to the MUC Mixed Use Commercial Zoning District.

[Passed for Publication on 9/12/2023 - Item 10.1(a)(1) (23-1190)]

Action: (a) **Ordinance No. 30950** an Ordinance of the City of San José Amending Various Sections of Chapter 24.12 of Title 24 (Technical Codes) of the San José Municipal Code, (b) **Ordinance No. 30951**, an Ordinance of the City of San José Amending Part 48 of Chapter 2.08 of Title 2 of the San José Municipal

Code, and (c) **Ordinance No. 30952** an Ordinance of the City of San José Rezoning Certain Real Property were adopted. (11-0-0)

**2.3 Approval of Council Committee Minutes.**

None provided.

**2.4 Mayor and Council Excused Absence Requests.**

None provided.

**2.5 City Council Travel Reports.**

None provided.

**2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

**2.7 23-1284 Settlement of Haidar v. City of San José, et al.**

Approve a settlement in the case of Haidar v. City of San José, et al. in the amount of \$400,000.00 and authorize the City Attorney to execute a Settlement Agreement.

CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

Action: The Settlement of Haidar v. City of San José was approved. (11-0-0)

**2.8 23-1297 Amendment to the Agreement with Witt O'Brien's LLC for COVID-19 Consulting Support.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Eighth Amendment to the Agreement with Witt O'Brien's LLC (Witt O'Brien's) to extend the Agreement from September 30, 2023 to March 30, 2024 with no increase in compensation, in order to continue assisting the City with strategic emergency management support in updating plans and protocols based on the lessons learned in response to COVID-19 and 10 concurrent emergencies.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no changes to the physical environment. (City Manager)

Action: **Resolution No. RES2023- 333** was adopted. (11-0-0)

- 2.9 23-1268 Lease Renewal with Concourse Business Center, LLC.**  
 Adopt a resolution authorizing the City Manager or designee to negotiate and execute a First Amendment to the Standard Form Net Lease Agreement dated August 15, 2018 with Concourse Business Center, LLC to extend the lease term for an additional five years from October 1, 2023 to September 30, 2028 at a total base rental cost of approximately \$1,493,354 and applicable triple net expenses, subject to annual budget appropriation, and increase the security deposit to \$26,381.93 from the original \$22,257.  
 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
 Council District 4. (Economic Development and Cultural Affairs)
- Action: **Resolution No. RES2023-334** was adopted. (11-0-0)
- 2.10 23-1269 Amendment to the Agreement with PMWEB, Inc. for a Project Management Information System.**  
 Adopt a resolution authorizing the City Manager or designee to negotiate and execute the First Amendment to the Agreement for a Project Management Information System with PMWeb, Inc. (Wakefield, MA) to extend the initial term through June 30, 2024, including updates to the project implementation and payment schedules and under the same material terms and conditions as the original agreement with no change in maximum compensation, exercise up to four one-year options to extend the term of the agreement through June 30, 2028, or as may be adjusted to align with the software renewal term, and rescind the first option issued prior to completion of implementation, subject to the appropriation of funds.  
 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
 Council District 6. (Finance/Airport)
- Action: **Resolution No. RES2023-335** was adopted. (11-0-0)
- 2.11 23-1270 Actions Related to the Purchase Orders with Valley Power Systems North, Inc. for Engine and Generator Repair Services.**  
 Adopt a resolution authorizing the City Manager or designee to:  
 (a) Amend purchase orders OP 63368 and OP 63537 with Valley Power Systems North, Inc. (City of Industry, CA) for engine and generator repair services to increase the total compensation by \$200,000, for a maximum compensation not-to-exceed \$450,000 for the period ending on or about April 12, 2024; and  
 (b) Exercise up to four one-year options to extend the term of the purchase order with the last option ending on or about April 12, 2028, subject to the appropriation of funds.  
 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
 (Finance)

Action: **Resolution No. RES2023-336** was adopted. (11-0-0)

**2.12 23-1271 Actions Related to the Purchase Orders with TSC Motors, Inc. for As Required New RAM 3500 and 5500 Vehicle Purchases.**

Adopt a resolution authorizing the City Manager or designee to:

(a) Amend purchase orders OP 63227 and OP 63229 with TSC Motors Inc. dba Chrysler Dodge Jeep Ram Morgan Hill (Morgan Hill, CA) for as required new Ram 3500 and 5500 Tradesman vehicle purchases to increase the total compensation by \$1,140,000, for a combined maximum compensation not-to-exceed \$4,000,000 for the period ending on or about March 9, 2024; and

(b) Exercise up to four one-year options to extend the term of the purchase orders with the last option ending on or about March 9, 2028, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance)

Action: **Resolution No. RES2023-337** was adopted. (11-0-0)

**2.13 23-1272 Actions Related to the Purchase Order for Library Books and Related Services.**

Adopt a resolution authorizing the City Manager or designee to:

(a) Amend purchase orders OP 64021 with Baker & Taylor, LLC (Charlotte, NC), and OP 64018 with Nubro, Inc. dba Brodart Co. (Williamsport, PA) for library books and related services to increase the total compensation by \$1,900,000 for a maximum compensation not to exceed \$2,350,000 for the period ending on or about August 14, 2024;

(b) Approve a contingency of \$250,000 for unanticipated demand for library books and related services, subject to the appropriation of funds; and

(c) Exercise up to six additional one-year options to extend the term of the purchase orders, with the last option year ending on or about August 14, 2030, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no changes to the physical environment.

(Finance)

Action: **Resolution No. RES2023-338** was adopted. (11-0-0)

**2.14 23-1273 Amendment to the City of San José Pay Plan for Various Classifications.**

Adopt a resolution amending the City of San José Pay Plan effective September 26, 2023, to:

(a) Create the following classifications:

(1) Regional Wastewater Facility General Manager (U) (3628) with an annual pensionable salary range of \$162,036.61 - \$261,760.05.

(2) Chemist II (5106) with an annual pensionable salary range of

\$103,833.60 - \$126,152.00.

(3) Microbiologist II (5105) with an annual pensionable salary range of \$103,833.60 - \$126,152.00.

(4) Legal Administrative Assistant III (1169) with an annual pensionable salary range of \$81,515.20 - \$99,320.00.

(b) Delete the following classifications:

(1) Recreation Supervisor Full-Time/Part-Time (7124/7132).

(2) Legal Administrative Assistant Trainee (1165).

(3) Wastewater Facility Deputy Director (3626).

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Human Resources)

Action: **Resolution No. RES2023-339** was adopted. (11-0-0)

**2.15 23-1285**

**Amendment to the Agreement with Filco LLC, for Public Event Services Support.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an amendment to the agreement with Filco LLC for public event services support increasing the maximum compensation by \$300,000, from \$1,000,000 to \$1,300,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Parks, Recreation and Neighborhood Services)

[Deferred from 9/19/2023 Item 2.12 (23-1231)]

Councilmember Bien Doan requested information from staff regarding the funding for Viva Calle. Director, Parks, Recreation, & Neighborhood Services, Jon Cicirelli responded to his question.

Councilmember Omar Torres recused himself from the item due to a campaign donation he received from Filco, LLC.

Public Comment: Paul Soto offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Dev Davis, and carried unanimously, **Resolution No. RES2023-340** was adopted. (10-1-0; Recused: Torres)

**2.16 23-1274**

**Annual Evaluation Report for Fiscal Year 2023 (Year 2) for the 2021 Santa Clara County Multi- Jurisdictional Program for Public Information.**

Accept the Fiscal Year 2023 Annual Evaluation Report on Santa Clara County Multi-Jurisdictional Program for Public Information.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Public Works)

Action: The Fiscal Year 2023 (Year 2) Annual Evaluation Report on the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information was accepted. (11-0-0)

**2.17 23-1312 Retroactive Approval of Fiesta Patrias Reception, Mexican Flag Raising, and Lighting Events Sponsored by Council District 3 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

As recommended by the Rules and Open Government Committee on September 20, 2023:

- (a) Retroactively approve the Fiesta Patrias Reception Event scheduled on September 14, 2023, the Mexican Flag Raising Event schedule on September 15, 2023 and the Mexican American Heritage Lighting scheduled from September 14 to September 21, 2023 as City Council sponsored Special Events and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Torres)

[Rules Committee referral 9/20/2023 - Item B.1]

Action: The City Council Sponsored Special Event was retroactively approved. (11-0-0)

### **3. STRATEGIC SUPPORT**

#### **3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**

City Manager, Jennifer Maguire offered the verbal report and announced that the City recently received several large grants totaling in over \$18 million. The grants will provide abundant investments and enhancements to the Cities delivery to critical City programs and services to help make San José safer, cleaner, and greener. The California Board of State Corrections awarded the San José Police Department an \$8.5 million competitive grant to combat organized retail crime. The U.S Department of Agriculture Forest Service awarded the City a \$6.6 million grant to help the City grow tree canopies along streets in underserved neighborhoods in San José. The Cities airport received a grant for \$3.3 million to aid in purchasing zero emission vehicles.

#### **3.2 Labor Negotiations Update.**

None provided.

#### **3.3 23-1275 Status of Open Audit Recommendations as of June 30, 2023.**

Accept the Status of Open Audit recommendations as of June 30, 2023.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

City Auditor, Joe Rois and Supervising Auditor, Brittney Harvey offered the presentation and responded to questions.



Public Comment: Paul Soto, Blair Beekman, Caller ‘User-1’, and Brett Bymaster offered public testimony regarding the item.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Arjun Batra, and carried unanimously, the Status of the Open Audit recommendations as of June 30, 2023 was accepted. (11-0-0)

**3.4 23-1279**

**Integrated Waste Management Enforcement Program Audit Report.**

As recommended by the Transportation and Environment Committee on September 11, 2023, accept the audit report on the Integrated Waste Management Enforcement Program.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

[Transportation and Environment Committee referral 9/11/2023 - Item (d)2]

City Auditor, Joe Rois; Supervising Auditor, Alison Pauly; Program Performance Auditor II, Michael O’Connell; Deputy Director, Environmental Services Department, Valerie Osmond; and Director, Environmental Services Department, Kerrie Romanow offered the presentation and responded to questions.

Public Comment: Jordan Moldow, Paul Soto, Caller ‘7788’, and Julie offered public testimony regarding the item.

Councilmember Dev Davis addressed her concerns with yard waste and large dumpsters obstructing bike lanes in the City.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Omar Torres, and carried unanimously, the audit report on the Integrated Waste Management Enforcement Program was accepted, *including staff direction to return to the Transportation and Environment Committee with enforcement options to keep bike lanes clear from any obstructions, with the Integrated Waste Management Enforcement Team leading this research.* (11-0-0)

**3.5 23-1280**

**Approval of Citywide Insurance Renewals.**

Adopt a resolution authorizing the Director of Finance or designee to:

(a) Select and purchase City property, liability, and executive risk insurance policies for the period of October 1, 2023, to October 1, 2024, at a total cost not-to-exceed \$3,919,533 as well as an 18% contingency for additional property or assets scheduled, subject to the appropriation of funds, with the following insurance carriers:

(1) Factory Mutual Insurance Company for Property Insurance, including Boiler & Machinery and Terrorism Risk Insurance Act Coverage;

(2) Beazley Syndicate 2623/623 at Lloyd’s for Terrorism Insurance;

(3) The Princeton Excess and Surplus Lines Insurance Company and

Arch Specialty Insurance Company for \$15 million in Excess Flood Insurance on a 50/50 quota share basis;

(4) Gemini Insurance Company for Auto Liability Insurance for the vehicle fleets at the San José Mineta International Airport (Airport) and San José - Santa Clara Regional Wastewater Facility;

(5) Hanover Insurance Company for Auto Physical Damage for the Airport shuttle buses;

(6) Lexington Insurance Company for Secondary Employment Law Enforcement Professional Liability;

(7) Arch Insurance Company for Accidental Death, Accidental Dismemberment, and Paralysis Policy for the Police Air Support Unit;

(8) Great American Insurance Company for Government Fidelity/Crime Coverage; and

(9) AGCS Marine Insurance Company for Auto Physical Damage for the Police Department grant-funded vehicles and equipment.

(b) Select and purchase Additional Liability Insurance for the period October 22, 2023, to October 22, 2024, at a cost ranging from \$500,000 to \$1,250,000, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance)

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Rosemary Kamei, and carried unanimously, **Resolution No. RES2023-341** was adopted. (11-0-0)

### 3.6 23-1296

#### **Amendment to the City's Pay Plan for the Director of Retirement Services and Chief Executive Officer, Assistant Director and Chief Investment Officer, Senior Investment Officer, and Investment Officer Classifications. - HEARD AFTER ITEM 10.1**

- (a) Accept the Director of Retirement Services and Chief Executive Officer (CEO) compensation study results.
- (b) Accept the Chief Investment Officer (CIO) and Retirement Investment Officers compensation study results.
- (c) Adopt a resolution amending the City of San José Pay Plan effective September 26, 2023, as follows:
  - (1) Change the total annual salary range for the classification of Director of Retirement Services and Chief Executive Officer U (7501) from \$244,134.49 - \$345,857.33 to \$244,134.49 - \$376,488.00;
  - (2) Change the total annual salary range for the classification of Assistant Director and Chief Investment Officer U (7506) from \$279,737.54 - \$375,102.57 to \$279,737.54 - \$408,300.00;
  - (3) Change the total annual salary range for the classification of Senior Retirement Investment Officer U (7507) from \$152,703.48 - \$238,033.77 to \$152,703.48 - \$266,409.00; and
  - (4) Change the total annual salary range for the classification of Retirement Investment Officer U (7505) from \$144,514.82 - \$204,364.25 to \$144,514.82 - \$231,660.00.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Retirement Services)  
[Deferred from 9/19/2023 Item 3.6 (23-1241)]

Federated Retirement Board Chair, Spencer Horowitz and Police and Fire Retirement Board Trustee, Andrew Gardanier offered the presentation and responded to questions.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, and carried unanimously, the compensation study results for (a) the Director of Retirement Services and Chief Executive Officer (CEO) and (b) the Chief Investment Officer (CIO) and Retirement Investment Officers were accepted; and (c) **Resolution No. RES2023-342** was adopted.

Also including acceptance of the joint memorandum from Mayor Matt Mahan, Councilmember Dev Davis, and Councilmember Pam Foley, dated September 22, 2023 recommending the following: (1) Defer item for 90 days to allow for the following analysis to be brought forward at the same time: (A) Direct City staff to ensure that the 6% General Wage Increase these classifications received for Fiscal Year 2023-2024, was properly accounted for in the recommendation to increase the range of these classifications, prior to the implementation of any wage increase. In addition, ensure that the 5% non-pensionable pay was also included in the analysis. (B) Direct City staff to bring forward an option to bring these classifications to market average consistent with other special salary adjustments. (C) Direct City staff to conduct analysis of these increases in comparison to the salaries of other similar key City positions, including Council Appointees. (D) Direct the City Attorney to bring forward in closed session options related to other benefit and retirement issues that affect retention of management employees. (11-0-0)

## **4. PUBLIC SAFETY SERVICES**

## **5. TRANSPORTATION & AVIATION SERVICES**

## **6. ENVIRONMENTAL & UTILITY SERVICES**

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

- 8.1 23-1281 Fiscal Year 2022-2023 Consolidated Annual Performance Evaluation Report.**
- (a) Conduct a final public hearing on the Fiscal Year 2022-2023 Consolidated Annual Performance and Evaluation Report.
  - (b) Accept the report on the progress towards achieving the housing and community development goals identified in the City's 2020-2025 Consolidated Plan and the Fiscal Year 2022-2023 Annual Action Plan regarding the use of federal funds from the United States Department of Housing and Urban Development for submittal by the September 29,

2023 deadline.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Deputy City Manager, Rosalynn Hughey; Interim Housing Deputy Director, Kristen Clements; and Housing Grants Team Manager, Stephanie Gutowski offered the presentation and responded to questions.

Public Comment: Paul Soto offered public testimony regarding the item.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Domingo Candelas, and carried unanimously, (a) the final public hearing on the Fiscal Year 2022-2023 Consolidated Annual Performance and Evaluation Report was conducted and (b) the report on the progress towards achieving the housing and community development goals identified in the City's 2020-2025 Consolidated Plan and the Fiscal Year 2022-2023 Annual Action Plan was accepted. (11-0-0)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

### **10. LAND USE**

#### **10.1 Land Use on Consent Calendar - HEARD IMMEDIATELY AFTER CONSENT**

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Land Use Consent Calendar was approved *as a whole*. (11-0-0.)

##### **10.1 (a) 23-1283 C23-093 and ER23-084 - Conforming Rezoning on Certain Real Property of an Approximately 0.44-Gross-Acre Site Located at 520 N 7th Street.**

Approve an ordinance rezoning that certain real property of an approximately 0.44-gross-acre site located on the east side of North 7th Street, approximately 200 feet northwesterly from the intersection of North 7th Street and East Empire Street (520 North 7th Street; APNs 249-36-011, 012, & 013) from the LI Light Industrial Zoning District to the MUN Mixed-Use Neighborhood Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 3. (Planning, Building and Code Enforcement)

Action: **Ordinance No. 30954** was *passed for publication*. (11-0-0)

#### **END OF CONSENT CALENDAR**

### **10 Land Use - Regular Agenda**

- **Open Forum**

1. Surinder spoke to incidents she and her brother faced.
2. Jordan Moldow stated that Vision Zero issues going beyond waste management and stated that individual departments can make important improvements. He spoke to the proactive identification of structural changes regarding bike lanes such as red zones being painted and dedicated zones for dumpster days.
3. Paul Soto spoke to the importance of outreach and his opinion of the current deficits regarding the Housing Department.
4. Blair Beekman spoke to the importance of redefining practices and accountability at the local level to attain a more sustainable future.
5. Brian Darby urged listeners to listen to the YouTube video called, “Pale Blue Dot,” by Carl Sagan.
6. Mary Jane spoke to her experiences as a previous registered nurse, addressed her concerns with the San José Animal Care Shelter, requested that a follow up audit be conducted regarding the care and adoptions of cats, and stated her opinion that shelter volunteers are being terminated for whistleblowing.
7. Caller ‘6910’ spoke to the Housing Department report regarding tiny homes issues, holding vendors accountable, and her concerns with the continuing contracts with vendors who under perform.

- **Adjournment**

The Council of the City of San José adjourned at 4:40 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

***DRAFT***

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Yasmin Johnson  
Deputy City Clerk, City of San José

Approved at Council on:

Number of Actions: 8

Attest By:

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Toni J. Taber,  
CMC City Clerk, City of San José

## CLOSED SESSION MINUTES

SAN JOSE, CALIFORNIA

TUESDAY, SEPTEMBER 27, 2023

The Council of the City of San José convened into Closed Session at 9:30 a.m. The meeting was held in Council Chambers Conference Room, W133.

Present: Councilmembers- Batra, Candelas, Cohen, Davis, Foley, Ortiz, Torres, Kamei, Mahan.

Absent: Councilmembers- Jimenez, Doan.

### CLOSED SESSION ITEM(S) DISCUSSED:

#### A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: January Villareal v. City of San José, et. al.  
Name(s) of Parties(s): JANUARY VILLAREAL, CITY OF SAN JOSE, FORMER OFFICER MATTHEW DOMINGUEZ  
Involved:  
Court: U.S. District Court, Northern District of California  
Case No. 22-CV-9152-VKD  
Amount of Money or Other Damages according to proof  
Relief Sought
2. Case Name: Andrea Ortega v. City of San José, et al.  
Name(s) of Party(ies): ANDREA ORTEGA; CITY OF SAN JOSE; SANTA CLARA VALLEY TRANSPORTATION AUTHORITY; NICHOLAS BERGMAN  
Court: Superior Court of California; County of Santa Clara  
Case No. 21CV375939  
Amount of Money or Other Damages according to proof  
Relief Sought:
3. Case Name: Loulla Belandres v. Uber, et. al.  
Name(s) of Party(ies): LOULLA BELANDRES, ANTHONY RAB, SEAN RAPISURA, UBER TECHNOLOGIES, INC, CITY OF SAN JOSE  
Court: San Francisco Superior Court  
Case No. CGC-20-587444  
Amount of Money or Other Demand for \$100k on Uber's Cross-Complaint  
Relief Sought:
4. Case Name: San Jose Spotlight, et al., v. City of San José, et al.,  
Name(s) of Parties(s): SAN JOSÉ SPOTLIGHT, FIRST AMENDMENT COALITION, CITY OF SAN JOSÉ, MAYOR SAMUEL THEODORE LICCARDO, individually and as an official for the City of San José  
Court: Santa Clara County Superior

Case No: 22CV394443  
Amount of Money or Other Declaratory And Injunctive Relief  
Relief Sought:

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**  
Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government code:  
Number of matter(s) to be discussed: 1
- C. CONFERENCE REGARDING POTENTIAL THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957(a):**  
Consultation with: Security
- D. PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957:**

Department or Agency: City Auditor  
Title: City Auditor  
Name: Joe Rois, City Auditor